

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ANDREW LECHTER; SYLVIA)
THOMPSON; LAWSON F. THOMPSON;)
RUSSELL DALBA; and KATHRYN)
DALBA, on behalf of themselves and all)
other similarly situated,)

Plaintiffs,)

v.)

CASE NO. 1:20-cv-01325-AT

APRIO, LLP f/k/a HABIF, AROGETI &)
WYNNE, LLP, ROBERT)
GREENBERGER, SIROTE & PERMUTT,)
P.C., BAKER, DONELSON, BEARMAN,)
CALDWELL & BERKOWITZ, P.C.,)
SMITH, LEWIS & HALEY, LLP, DAVID)
C. SMITH, FOREVER FORESTS LLC,)
NANCY ZAK, JAMES JOWERS, LARGE)
& GILBERT, INC., CLOWER KIRSCH &)
ASSOCIATES, LLC, JIM R. CLOWER,)
SR., TENNILLE & ASSOCIATES, INC.,)
ATLANTIC COAST CONSERVANCY,)
INC., ROBERT D. KELLER, and)
GEORGIA ALABAMA LAND TRUST,)
INC. f/k/a GEORGIA LAND TRUST,)
INC.,)

JURY DEMANDED

Defendants.)

**DEFENDANT BAKER, DONELSON, BEARMAN, CALDWELL &
BERKOWITZ, P.C.'S MOTION FOR RULE 11 SANCTIONS**

Defendant Baker Donelson, Bearman, Caldwell & Berkowitz, P.C. (“Baker Donelson”) hereby moves this Honorable Court for an Order granting this Motion and imposing sanctions on Plaintiffs and their counsel pursuant to Federal Rule of Civil Procedure 11. As grounds for this Motion, Baker Donelson states Plaintiffs’ Complaint has no reasonable factual basis against Baker Donelson, is based on legal theories that have no reasonable chance of success against Baker Donelson and cannot be advanced as a reasonable argument to change existing law, and appears to have been filed against Baker Donelson in bad faith for an improper purpose. Further, the information Baker Donelson’s counsel provided Plaintiffs’ counsel in March, April, and May 2020 (that Baker Donelson had no involvement in the conservation easement transactions alleged in the Complaint and that an e-mail allegedly serving as Plaintiffs’ basis for their claims against Baker Donelson did not emanate from Baker Donelson), as well as the information Plaintiffs had before filing suit, demonstrates Plaintiffs’ claims against Baker Donelson are objectively frivolous, that attorney Jeven R. Sloan should have been aware that the claims against Baker Donelson were frivolous when he signed the Complaint, and that Plaintiffs and their counsel, in violation of their continuing obligation to make inquiries into their case, knowingly persist in advancing objectively frivolous claims

against Baker Donelson after those claims are no longer tenable (assuming, for the sake of argument, they ever were).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs have violated Rule 11 and should be sanctioned all reasonable attorneys' fees and expenses, including in-house counsel time, incurred by Baker Donelson in this action, including fees and expenses incurred in preparing this Motion, Baker Donelson's Motion to Dismiss, and all other pleadings with supporting papers and memoranda, and in defending itself from these meritless, frivolous claims. Baker Donelson additionally requests all further relief, both general and special, as mandated by the premises, and as justice requires.

Respectfully submitted this 10th day of July, 2020.

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**
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/s/ Sam Berry Blair
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Attorney for Baker Donelson

FONT CERTIFICATION

The undersigned counsel for Baker Donelson hereby certifies that the foregoing document was prepared using Times New Roman 14-point font in accordance with Local Rule 5.1.

/s/ Sam Berry Blair

Sam Berry Blair

(admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document via e-mail and U.S. mail upon all Plaintiffs' counsel of record.

This 10th day of July 2020.

/s/ Sam Berry Blair

Sam Berry Blair

(admitted *pro hac vice*)

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